

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

GEOVANI DAVILA
Defendant.

CR. NO. 1:CR-01-018
(Judge Rambo)

FILED
SCRANTON

JUN 06 2006

PER

DEPUTY CLERK

MOTION OF LEGAL PROCEEDING(S) AND PRODUCTION
OF DOCUMENTS

NOW COMES, the defendant Geovani Davila who by and through order dated March 3, 2006 from the U.S. Attorney's response that he had no objection for extension to be granted defendant to file a Notice of Appeal of the Court's December 5, 2005 order. He states herein:

1) The government has inform the Court petitioner has shown good cause for not filing Notice of Appeal within the 60 days period and recommends The Court accept petitioner's filing of Notice of Appeal dated February 9th, 2006 as timely.

2) As of this date, petitioner/defendant has not received Notice from the Court of its decision on this matter.

3) Defendant/petitioner has requested a certified copy of the hearing transcript dated December 5th 2005 from his court appointed attorney, but the attorney has not complied. Further, plaintiff needs a copy of the autopsy report given to Judge Rambo by defendant on December 5th 2005; said copy was not returned to defendant by the Court and he needs said report to assist his appeal process.

4) Finally, defendant request the Court to consider a Motion to Appoint Counsel to assist defendant/apellant in his appeal of the District Court's decision denying petitioner's motion pursuant to 28 U.S.C.A. §2255 dated December 5, 2005.

Respectfully submitted,

(Seal) Geovani Davila
Geovani Davila, defendant
54826-066
FCl-Gilmer, P.O. Box 6000
C-1 #1161
Glennville, WV 26351-6000

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

GEOVANI DAVILA
Defendant.

) CR. NO. 1:CR-01-018
) (Judge Rambo)
)
)
)
)
)
)

CERTIFICATE OF SERVICE

The undersigned hereby certifies on this date June, 1 2006,
Defendant/Petitioner mailed a copy of this motion in a post-
paid envelope addressed to:

United States Attorney
C/O Gordon A.D. Zubrod, U.S. Attorney
228 Walnut Street
Harrisburg, PA 17108

(Seal) Geovani Davila
Geovani Davila, Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	CR. NO. 1:CR-01-018
)	
v.)	
)	(Judge Rambo)
GEOVANI DAVILA,)	
)	
Defendant.)	(ELECTRONICALLY FILED)

RESPONSE TO THE COURT'S ORDER OF FEBRUARY 28, 2006

NOW COMES the United States of America, by and through its counsel, Thomas A. Marino, United States Attorney for the Middle District of Pennsylvania, and Gordon A.D. Zubrod, Assistant United States Attorney, and respectfully represent to this Court the following facts:

1. On December 5, 2005, the District Court issued an Order denying Petitioner's motion filed pursuant to 28 U.S.C. § 2255. Petitioner did not receive this Order until January 30, 2006.
2. On February 9, 2006, Petitioner filed a Notice of Appeal of the December 5, 2005 Order.
3. On February 27, 2006, Petitioner filed a Motion for Extension of Time to file a notice of appeal pursuant to Rule 4 of the Federal Rules of Appellate Procedure. Petitioner represented that, being in transit, he did not receive notice of the District Court's Order until January 30, 2006. Thus, the government believes that Petitioner has shown good cause for not filing the notice of appeal

within the 60 day period and recommends that the Court accept the filing of the notice of appeal on February 9, 2006 as timely.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney

/s/ Gordon A.D. Zubrod
GORDON A.D. ZUBROD
ASSISTANT U.S. ATTORNEY
228 Walnut Street
Harrisburg, PA 17108
Phone: (717) 221-4482
Fax: (717) 221-2246
Gordon.Zubrod@usdoj.gov
PA20792

Dated: March 3, 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	CR. NO. 1:CR-01-018
)	
v.)	
)	(Judge Rambo)
GEOVANI DAVILA,)	
)	
Defendant.)	(ELECTRONICALLY FILED)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 3rd day of March, 2006, she served a copy of the attached

RESPONSE TO THE COURT'S ORDER OF FEBRUARY 28, 2006

via electronic filing and/or by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Geovani Davila #54826-066
FCI Gilmer
P.O. Box 600
Glennville, WV 26351

/s/ Carol A. Manies
CAROL A. MANIES
Legal Assistant

Geovani Davila - 54826-066
Federal Correctional Institution
Gilmer P.O. Box 6000
Glenville, W.V. 26351



RECEIVED
SCRANTON
JUN 06 2006
MARY E. GRANDJEAN, CLERK
Per: [Signature]
DEPUTY CLERK

JUN 5 2006

Legal Mail

CLERK, U.S. District Court
235 N. Washington Av.
P.O. Box 1148
SCRANTON, PA #17108

